

REMARKS

Claims 1-49 remain pending after this amendment. Claims 2-33 were found allowable. Claim 2 has been amended to recite the limitation of its parent Claim 1, and to correct a grammatical error. Claim 9 has been amended to correct the erroneous orientation of the magnet.

Claim 1 has been amended to obviate the ambiguity noted by the Examiner, and to further distinguish the claimed structure from the cited reference by reciting the co-reactive operation of the drive mechanism with an ambient field of energy.

Support for the amendment can be found at page 3, lines 7-18 of the Specification.

The first example of co-reaction is demonstrated by the embodiment of Figure 2 where gravity is used to immobilize the shaft and, thus, establish a counter-torque element for the spinning enclosure.

A second example of co-reaction is found in the embodiment of Figure 4 where the shaft is immobilized by a magnet orienting itself with the earth magnetic field, and where the torque to drive rotation is derived from an interaction between the electromagnets and the earth magnetic field.

A third example of co-reaction is evidenced by the embodiment of Figure 3 where the electromagnets respond to the earth magnetic field to spin the enclosure as the bobbins are sequentially energized through the photo sensors by a directional light field. Here the drive mechanism co-reacts with the direction of the light waves. In this case, the light waves supply the drive energy and constitute the ambient field of energy with which the drive mechanism co-reacts.

Claim 35 has been added to further distinguish the claimed structure from the cited reference by reciting the immobilizingly anchoring nature of a counter-torque element. Added Claims 36-49 depend from Claim 35.

Support for Claim 35 can be found in the Specification on page 3, lines 4-5; on page 8, lines 9-15; and on page 12, lines 1-6.

In Hirose (JP 10171383) the drive mechanism does not co-react with gravity or any other ambient field of energy as now recited in Claim 1. Nor does it immobilize a counter-torque element as now recited in Claim 35. As clearly explained in the English translation of the document, all the “rotation-resisting” bodies Y consist of free-spinning structures, some provided with peripheral blades or vanes that brake the rotation by frictional contact with ambient air. Since that frictional contact can only be created by rotation of the structure, the “rotation-resisting” body is not “immobilizingly anchored” by anything.

Hirose’s containers and rotation resistant bodies will resist angular accelerations because of the property of inertia that all masses possess. Let us assume, *arguendo*, that Hirose, instead of blades, has given the “rotation resisting” body a substantial mass, much heavier than that of the spinning container body. We would expect that the effect of the torque produced by the motor would initially cause the lighter container body to rotate in a direction faster than the heavier “rotation resisting” body’s rotation in the opposite direction. However, the rotation resistant body will eventually reach a maximum speed, and no longer be able to serve as a source of counter-torque for the motor, so the container will come to stop, due to unavoidable sources of drag on the rotating body such as the friction of ambient air, or small drag in the support bearing, such as thrust bearing 13. These temporary rotations of Hirose’s containers depend on the inertial property of mass, but not at all on the continuous, anchoring torque that can be generated by the magnets and by the mass of offset bodies responding to gravity that generate continuous rotation in the instant invention.

It should also be noted that the use of a mass as counter-torque element does not rely on the

field of energy constituted by gravity, but on the inertia of the mass. Inertia is not related to earth gravity since the system would operate as well in weightless space as on earth.

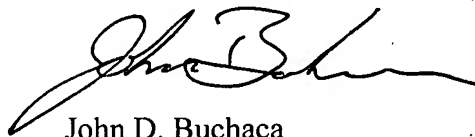
The instant inventor has devised an ingenious way to create a self-spinning structure that is not anticipated by the cited reference. Moreover, the invention rises substantially above the ordinary level of skill evidenced by the prior art due to its relative simplicity, compactness and practicality.

It should be noted that the devices disclosed by Hirose are of doubtful utility. As the air inside the spinning container begins moving with his bladed structures, there is very little or no counter-torque being generated, and the air currents generated will actually start to counter the rotation of the container until it stops, unless apertures are cut in the container's wall to allow swirling air to escape, in which case additional drag is imposed on the spinning container, thus slowing it down. Moreover, the aperture may affect the look and practicality of the structure and reduce the outer surface available for decoration. Furthermore, the swirling air currents within and without the container waste energy, preventing Hirose's container from working in dim light.

Accordingly, the invention offers many advantages over the prior art, and cannot be said to be obvious.

In view of which, an early allowance of Claims 1 through 49 is earnestly solicited.

Respectfully submitted,



John D. Buchaca
Registration No. 37,289

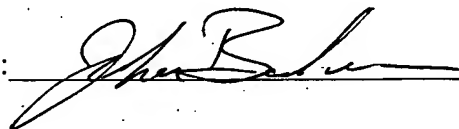
1545 Hotel Circle South, Suite 150
San Diego, California 92108-3426
Telephone: (619) 294-2922
Fax No. (619) 294-8674

AMENDMENT
Serial No. 10/049,406



040330

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 28, 2005, by John D. Buchaca, Reg. No. 37,289.

Signature:  Date: 1.28.05